

#5

DECLARATION FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **RESONANT SHIFTING AND REDUCTION OF MODAL DISPLACEMENT FOR IMPROVED ACOUSTICS**, the specification of which:

(check one) ☐ is attached hereto.
☒ was filed on June 28, 2001 as
Application Serial No. 09/896,006
and was amended on _____
(if applicable)

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I hereby state that I have reviewed and understand the contents of the above-identified specification including the claims, as amended by any amendment referred to above.

OFFICE OF PETITIONS

I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application (s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| Prior Foreign Application(s) | | | Priority Claimed | |
|------------------------------|-----------|------------------------|------------------------------|-----------------------------|
| | | | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| _____ | _____ | _____ | | |
| (Number) | (Country) | (Day/Month/Year Filed) | | |

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below:

| | | |
|--------------------------|-----------------|--------------------------------|
| <u>60/247,096</u> | <u>11/09/00</u> | <u>Pending</u> |
| (Application Serial No.) | (Filing Date) | (Status) |
| | | (patented, pending, abandoned) |

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| | | |
|--------------------------|---------------|--------------------------------|
| _____ | _____ | _____ |
| (Application Serial No.) | (Filing Date) | (Status) |
| | | (patented, pending, abandoned) |

03/07/2002 AXELLEY 00000023 200702 09896006

01 FC:122 130.00 CH

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Raymond R. Moser Jr., Reg. No. 34,682; Charles Lee Thomason, Reg. No. 31,431; B. Todd Patterson, Reg. No. 37,906; Eamon J. Wall, Reg. No. 39,414; Kin-Wah Tong, Reg. No. 39,400; Keith M. Tackett, Reg. No. 32,008; Douglas H. Elliott, Reg. No. 32,982; James A. Sheridan, Reg. No. 25,435; and Wesley E. Webostad, Reg. No. 35,406, provided that if any one of said attorneys ceases being affiliated with the law firm of THOMASON, MOSER & PATTERSON, LLP as partner, employee or of counsel, such attorney's appointment as attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

Direct all telephone calls to James A. Sheridan at (650) 320-0000.

Address all correspondence to:

THOMASON, MOSER & PATTERSON, LLP
4149 El Camino Way, Suite B
Palo Alto, California 94306-4036

File No. 8032988/JAS

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first

Inventor:

Troy M. Herndon

Inventor's signature:

Troy M. Herndon

Date:

11-29-2001

Residence:

San Jose, California 95118

Citizenship:

USA

Post Office Address:

1508 Jarvis Court

San Jose, California 95118

Full name of second

Inventor:

Tan H. Pham

Inventor's signature:

Date:

Residence:

San Marcos, CA 92069

Citizenship:

USA

Post Office Address:

781 Pebble Beach Drive

San Marcos, CA 92069

Declaration for Patent Application

Page 2

Full name of third
Inventor:

Francois Menoud

Inventor's signature:

Date:

Residence:

Capitola, California 95010

Citizenship:

Swiss

Post Office Address:

600 Park Ave., Apt. 9D

Capitola, California 95010

FORM PTO-1595
(Rev. 6-93)
OMB No. 0651-0011 (exp. 4/94)

FEB 12 2002

RECORDATION FORM COVER SHEET

U.S. Department of Commerce
Patent And Trademark Office

PATENTS ONLY

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original document or copy thereof.

1. Name of conveying party(ies):

Troy Herndon
Tan Pham
Francois Menoud

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other

Execution Date: June 11, 2001 and August 24, 2001

2. Name and address of receiving party(ies):

Name: Seagate Technology LLC

Internal Address: _____

Street Address: 920 Disc Drive, Building 15

City: Scotts Valley State: California Zip: 95066

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or registration number(s):

If this document is being filed together with a new application, the execution date of the application is: June 28, 2001 (Date of Filing)

A. Patent Application No.(s) 09/896,006

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: James A. Sheridan

Internal Address: Moser, Patterson & Patterson, LLP

Street Address: 4149 El Camino Way, Suite B

City: Palo Alto State: California Zip: 94306-4036

6. Total number of applications and patents involved: 1

7. Total fee (37 C.F.R. 3.41)----- \$ 40.00

☐ Enclosed

☒ Authorized to be charged to deposit account

8. Deposit account number: 20-0782

Please debit underpayment or credit any overpayment to the above deposit account.

Our Order No. 8032988/JAS SEA 2988/JAS

(Attach duplicate of this page if paying by deposit account.)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

James A. Sheridan, Reg. No. 25,435

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments and document: 2

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20231

03/07/2002 03/07/2002 09095006
File No. 8032988/SEA 2988/JAS
02 FC:501 40.00 CH

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FEB 22 2002

Attorney Docket No. : 8032988
Seagate Docket No. : 2988

OFFICE OF PETITIONS

WHEREAS, we, Troy M. Herndon, 1508 Jarvis Court, San Jose, California 95118; Tan H. Pham, 111 Bean Creek Rd., #95, Scotts Valley, California 95066; and Francois Menoud, 60 Park Ave., Apt. 9D, Capitola, California 95010 are the inventors of an invention entitled **RESONANT SHIFTING AND REDUCTION OF MODAL DISPLACEMENT FOR IMPROVED ACOUSTICS** that is the subject matter of:

- ☐ a provisional application for Letters Patent which is identifiable in the United States Patent and Trademark Office by Application No. _____ filed on _____;
- ☒ an application for Letters Patent which is identifiable in the United States Patent and Trademark Office by Application No. to be assigned filed herewith; and
- ☐ an international application for Letters Patent filed pursuant to the Patent Cooperation Treaty which is identifiable in the United States Receiving Office by Application No. _____ filed on _____; and

WHEREAS, Seagate Technology LLC, a limited liability company organized and existing under the laws of the State of Delaware and the United States of America, and having offices at 920 Disc Drive, Scotts Valley, California 95066 USA, ("Assignee") is desirous of acquiring the entire right, title and interest in and to the invention, the applications, and any and all Letters Patent or similar foreign or domestic legal protection;

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, we transfer to Assignee, its successors and assigns, our entire right, title and interest in and to the invention, the above-identified applications, all provisional applications from which any of the above-identified applications claim priority, corresponding domestic and foreign applications, any continuation, division, renewal, or substitute for the applications, all Letters Patent, any reissue, re-examination, or similar legal protection issuing related to the Letters Patent, and all rights and benefits under any applicable treaty or convention; and we authorize the Director of the United States Patent and Trademark Office or foreign equivalent to issue the Letters Patent or similar legal protection to the Assignee.

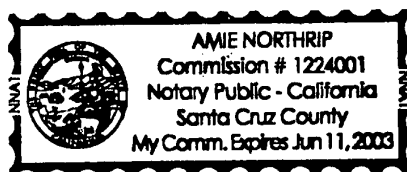
We authorize the Assignee, its successors and assigns, to insert in this instrument the filing date(s) and application numbers when ascertained. We further authorize the Assignee, its successors and assigns, or anyone it may properly designate, to apply for Letters Patent or similar legal protection, in its own name if desired, in any and all foreign countries and appoint Assignee the common representative in the above identified international application and any international application for the invention.

We represent to the Assignee, its successors and assigns, that we have not and shall not execute any writing or do any act whatsoever conflicting with this Assignment. We, our executors or administrators, will at any time upon request, without additional consideration, but at the expense of the Assignee, its successors and assigns, execute and deliver to Assignee or its legal representatives such additional writings and do such additional acts as the Assignee, its successors and assigns, may deem desirable to perfect its enjoyment of this grant, and render all assistance in making application for and obtaining, maintaining, and enforcing the Letters Patent or similar legal protection on the invention in any and all countries, including without limitation providing testimony in any related interference, litigation or proceeding.

Troy M. Herndon
Troy M. Herndon (Inventor)

Subscribed and sworn to before me at Seagate Technology, a Notary Public, this
11 day of June, 20 01.

(SEAL)



Amie Northrip
Notary Public

State of California)

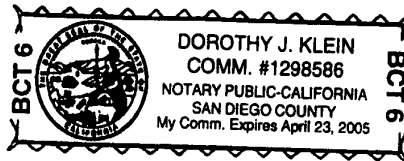
) SS

County of San Diego)

Tan H. Pham (Inventor)

08/24/2001

Subscribed and sworn to before me by Dorothy J. Klein, a Notary Public, this
24th day of August, 20 01.



(SEAL)

Dorothy J. Klein
Notary Public

Francois Menoud (Inventor)

Subscribed and sworn to before me at _____, a Notary Public, this
_____ day of _____, 20 _____.

Notary Public

(SEAL)

ASSIGNMENT
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FEB 22 2002

Attorney Docket No. : 8032988
Seagate Docket No. : 2988

WHEREAS, we, Troy M. Herndon, 1508 Jackson St., San Jose, California 95118, U.S.A.; Tan H. Pham, 781 Pebble Beach Drive, San Marcos, CA 92069, U.S.A.; and Francois Menoud, 60 Park Ave., Apt. 9D, Capitola, California 95010, U.S.A. are the inventors of an invention entitled **OFFICE OF PETITIONS** **RESONANT SHIFTING AND REDUCTION OF MODAL DISPLACEMENT FOR IMPROVED ACOUSTICS** that is the subject matter of:

- ☐ a provisional application for Letters Patent which is identifiable in the United States Patent and Trademark Office by Application No. _____ filed on _____;
- ☒ an application for Letters Patent which is identifiable in the United States Patent and Trademark Office by Application No. 09/896,006 filed June 28, 2001; and
- ☐ an international application for Letters Patent filed pursuant to the Patent Cooperation Treaty which is identifiable in the United States Receiving Office by Application No. _____ filed on _____; and

WHEREAS, Seagate Technology LLC, a limited liability company organized and existing under the laws of the State of Delaware and the United States of America, and having offices at 920 Disc Drive, Scotts Valley, California 95066 USA, ("Assignee") is desirous of acquiring the entire right, title and interest in and to the invention, the applications, and any and all Letters Patent or similar foreign or domestic legal protection;

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, we transfer to Assignee, its successors and assigns, our entire right, title and interest in and to the invention, the above-identified applications, all provisional applications from which any of the above-identified applications claim priority, corresponding domestic and foreign applications, any continuation, division, renewal, or substitute for the applications, all Letters Patent, any reissue, re-examination, or similar legal protection issuing related to the Letters Patent, and all rights and benefits under any applicable treaty or convention; and we authorize the Director of the United States Patent and Trademark Office or foreign equivalent to issue the Letters Patent or similar legal protection to the Assignee.

We authorize the Assignee, its successors and assigns, to insert in this instrument the filing date(s) and application numbers when ascertained. We further authorize the Assignee, its successors and assigns, or anyone it may properly designate, to apply for Letters Patent or similar legal protection, in its own name if desired, in any and all foreign countries and appoint Assignee the common representative in the above identified international application and any international application for the invention.

We represent to the Assignee, its successors and assigns, that we have not and shall not execute any writing or do any act whatsoever conflicting with this Assignment. We, our executors or administrators, will at any time upon request, without additional consideration, but at the expense of the Assignee, its successors and assigns, execute and deliver to Assignee or its legal representatives such additional writings and do such additional acts as the Assignee, its successors and assigns, may deem desirable to perfect its enjoyment of this grant, and render all assistance in making application for and obtaining, maintaining, and enforcing the Letters Patent or similar legal protection on the invention in any and all countries, including without limitation providing testimony in any related interference, litigation or proceeding.

Troy M. Herndon (Inventor)

Subscribed and sworn to before me at _____, a Notary Public, this
_____ day of _____, 20 _____.

Notary Public

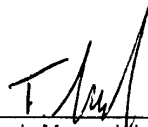
(SEAL)

Tan H. Pham (Inventor)

Subscribed and sworn to before me at _____, a Notary Public, this
_____ day of _____, 20 _____.

Notary Public

(SEAL)


Francois Menoud (Inventor)

Subscribed and sworn to before me at **Geneva, Switzerland**, a Notary Public, this
10 day of December, 2001.


Notary Public

Lisa Conner
U.S. Consular Agent

(SEAL)

Full name of first
Inventor:

Troy M. Herndon

Inventor's signature:

Date:

Residence:

San Jose, California 95118

Citizenship:

USA

Post Office Address:

1508 Jarvis Court

San Jose, California 95118

Full name of second
Inventor:

Tan H. Pham

Inventor's signature:

Date:

Residence:

Scotts Valley, California 95066

Citizenship:

USA

Post Office Address:

111 Bean Creek Rd. #95

Scotts Valley, California 95066

Full name of third
Inventor:

Francois Menoud

Francois Menoud

Inventor's signature:

F. Menoud

Date:

12/10/2001

Residence:

Capitola, California 95010

P-L-O, Geneva 1228

Citizenship:

Swiss

Swiss

Post Office Address:

600 Park Ave., Apt. 9D

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Capitola, California 95010

P-L-O, Geneva 1228

MOSER, PATTERSON & SHERIDAN, LLP

Attorneys at Law

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January 22, 2002



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Washington, D.C. 20231

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Re: Our Docket No.: 8032988

OFFICE OF PETITIONS

I, James A. Sheridan, hereby declare and state that, at my direction, we have made the following requests to Mr. Menoud to sign a declaration:

1. Email to Francois Menoud, dated June 4, 2001, attaching a copy of the patent application, declaration and assignment.
2. Email to Francois Menoud on July 19, 2001 requesting that he sign the assignment and declaration and return them to our office.
3. Email to Francois Menoud on August 23, 2001 requesting that he sign the declaration and assignment.
4. Letter to Francois Menoud requesting that he sign the declaration (another copy enclosed), and return to us.
5. Email to Francois Menoud dated December 3, 2001 requesting that he sign the original declaration and return to us.
6. Email to Francois Menoud dated January 21, 2002, requesting that he sign the declaration and fax it back to us by January 22, 2002, the final date that the missing parts are due.

We have not received a substantive response to date. None of the above emails have bounced back, nor has any mail been returned to us, due to an incorrect address.

Sincerely,

MOSER, PATTERSON & SHERIDAN LLP


James A. Sheridan

Enclosures: (as noted above)

3040 POST OAK BLVD., SUITE 1500
HOUSTON, TEXAS 77056
TELEPHONE (713) 623-4844
FACSIMILE (713) 623-4846

595 SHREWSBURY AVE., SUITE 100
SHREWSBURY, NEW JERSEY 07702
TELEPHONE (732) 530-9404
FACSIMILE (732) 530-9808

11855 COMMONWEALTH DRIVE
LOUISVILLE, KENTUCKY 40299
TELEPHONE (502) 266-9404
FACSIMILE (502) 266-9480

Laura Hulac

To: menoud@altavista.net

01/21/02 04:38 PM

cc:

Subject: SEA 2988 - Declaration

Would you please fax the signed declaration to us now. The drop dead date for the declaration is January 22, 2002. It must be filed on this date. Our fax number is: 650-320-0099.